

# MITSCHERLICH & PARTNER<sup>R</sup>

PATENT- U. RECHTSANWÄLTE  
EUROPEAN PATENT & TRADEMARK ATTORNEYS

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European Patent Office

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**International Patent Application PCT/EP2004/014431**  
**3DCONNEXION GMBH**  
**Our Ref: P30881/WO**

1. It is requested to issue a further written opinion before issuing the International Preliminary Examination Report (IPER).

2. In the enclosure a set of new claims 1 to 10 is filed replacing all claims presently on file.

New claim 1 thereby emerges from original claim 8.

New claim 2 corresponds to a combination of the originally filed claims 1 and 2.

New claims 3 to 8 correspond to previous claims (originally filed claims) 3 to 8.

New claim 9 emerges from a combination of originally filed claim 9 and figure 4 and the corresponding description.

New claim 10 corresponds to originally filed claim 10.

3. The statement of the examiner in the opinion enclosed to the International Search Report that the man skilled in the art would take into account knowledge from table calculators is not in line with

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the practice and the practice of the European Patent Office.

The world of table calculators is completely different to the world of input devices for computer environments, which has actually been developed essentially starting from mouse-type input devices.

In addition thereto the ergonomics of a table calculator manipulated essentially by the finger tips is completely different to the one of input devices with manipulation members which can be displaced in three dimensions relative to a support.

It is kindly requested to take the above arguments into account when issuing the following written opinion.

Furthermore, as a matter of precaution it is reminded that when applying the problem-solution approach developed by the European Patent Office a positive indication ("would") in the prior art as how to get to the claimed invention has to be shown. The potential ("could") that the man skilled in the art could eventually arrive at the invention is not sufficient.

Patent Attorney



Christian Rupp

Enclosure:

set of new claims, 3-fold